

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION**

<b>RODNEY RAPHAEL COOPER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>V.</b>	)	<b>Civil Action No. 3:06-cv-1125-MHT-SRW</b>
	)	
<b>JAY JONES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT'S ANSWER**

COME NOW Sheriff Jay Jones, the Defendant in the above-styled cause, and answers the Plaintiff's Complaint as follows:

**Answer**

The Defendant denies each and every allegation made by the Plaintiff and demands strict proof thereof. The Defendant denies that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

**Affirmative Defenses**

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendant in this action, in his individual capacity, is entitled to qualified immunity from the Plaintiff's claims.
3. The Defendant in this matter, in his official capacity, is entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.
4. Defendant in his official capacity is not a "person" under 42 U.S.C. § 1983.

5. The Plaintiff's claims are barred by the Prison Litigation Reform Act because he has failed to exhaust available administrative remedies and because he has not suffered an injury that is greater than de minimus.

6. Plaintiff fails to allege the requisite affirmative causal link between the alleged acts of Defendant and any alleged constitutional deprivation.

7. Defendant is not liable based upon *respondeat superior* theories of liability.

8. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

9. Defendant was not deliberately indifferent in any respect.

10. This Court lacks subject matter jurisdiction over Plaintiff's claims.

11. The Defendant reserves the right to add additional defenses upon a complete investigation of Plaintiff's claims, completion of any discovery allowed, and if any further pleading is required or allowed by the Court.

Respectfully submitted this the 2nd day of March, 2007.

**s/Ashley Hawkins Freeman**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 2nd day of March, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed by United States Mail, postage prepaid, to the following non-CM/ECF participant:

**Rodney Raphael Cooper**  
**Lee County Detention Facility**  
**P. O. Box 2407**  
**F-6**  
**Opelika, AL 36801**

**s/Ashley Hawkins Freeman**  
**OF COUNSEL**